IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 25529 of 2003

Between:

Dupam Abhimanyudu S/o Ramasubbaiah
R/o Velugodu village and Mandal, Kurnool District

... PETITIONER

AND

1 The Divisional Forest Officer (Wild Life Management), Atmakur, Kurnool District
2 The Forest Range Officer, Atmakur, Kurnool District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring that the seizure of Lorry No. ATK 1949 by the respondents on 25-6-2003 is illegal and without jurisdiction and direct the respondents to release the lorry and furniture to the petitioner and also direct the respondents to pay damages of Rs. 1,00,000/- to the petitioner for the illegal seizure of lorry and furniture and to grant such other relief or reliefs

Counsel for the Petitioner: MR.E.AYYAPU REDDY

Counsel for the Respondents: GP FOR FORESTS

The Court made the following order:

ORDER:

Petitioner seeks a Writ of Mandamus declaring the seizure of Lorry No. ATK 1949 by the respondents as illegal and direct the respondents to release the said lorry and furniture and also direct the respondents to pay the damages of Rs.1,00,000/- to him.

It is stated that the petitioner hired the said lorry for the purpose of transporting the finished furniture. But the said lorry has been seized illegally and a show cause notice being issued to the owner and driver of the said vehicle on 05.08.2003. It is the case of the petitioner that the said lorry was seized though it was not carrying any smuggled timber on 25.06.2003. Therefore, the seizure of the vehicle is illegal and contrary to the provisions of Section 44 of the Andhra Pradesh Forest Act, 1967.

Counter has been filed stating that the petitioner is a Press Reporter. There is no evidence to show that he is doing carpentry work from the timber purchased from Government Timber Depot or Licensed Saw Mill. The said lorry was checked at Forest Check Post, Atmakur by Forest officials and it was found with six packets teak timber (252) Nos of sizes, O.553 Cmt of quantity having value of Rs.33,172.44/-. While checking the lorry the persons sitting in the lorry ran away leaving the timber packets. Driver could not show valid permit for transportation of Teak Timber Produce. Therefore, after issuing show cause notice to the lorry owner and driver of the vehicle and after giving reasonable opportunity

Offence Case No.25/2003-2004 had been registered. The Divisional Forest Officer, Atmakur passed orders on 17.12.2003 as follows:

> "The Offence Case No.25/2003-2004 is compounded without prejudice, under Section 59 (1) (iii) of Andhra Pradesh Forest Act, 1967 for Rs.66,345/- i.e., value of forest produce Rs.33,172.44/- plus one time of compounding fees Rs.33,172.44/-. Teak Timber 252 Nos/0.553 Cmt involved in forest offence is ordered to be confiscated to State and Lorry No.ATK-1949 is ordered to be released."

Against the said order an appeal is provided but no appeal has been preferred. The owner of the said lorry paid the said amount of Rs.66,345/- vide Challan No.4387, dated 11.11.2003. The owner and driver of the said lorry denied the allegations of the petitioner that he transported teak timber produce in the lorry and the petitioner is no way concerned with the forest produce or with the custody of the lorry. Therefore, petitioner has nothing to do with the hiring of the lorry or with the illegal transportation of the forest produce, which he claims to have purchased from the Government Depots.

The writ petition is frivolous and it is accordingly dismissed with costs.

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V. ESWARAIAH, J

March 11, 2005

Dsk

To

1 The Divisional Forest Officer (Wild Life Management), Atmakur, Kurnool District

2 The Forest Range Officer, Atmakur, Kurnool District

3 Two CCs to GP For Forests, High Court Buildings, Hyderabad (OUT)

4 Two CD Copies.